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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	CR No. 3-07-70396-JL
)	
Plaintiff,)	[PROPOSED] ORDER AND STIPULATION
)	EXCLUDING TIME FROM July 9, 2007 TO
v.)	JULY 26, 2007 FROM THE SPEEDY TRIAL
)	ACT CALCULATION (18 U.S.C.
JEFFREY BENJAMIN HARRISON,)	§ 3161(h)(8)(A) & (B)(iv))
)	
Defendant.)	
_____)	

On July 5, 2007, based on a criminal complaint presented by Immigration and Customs Enforcement Special Agent Michael Appio, the Honorable James Larson issued an arrest warrant for the Defendant. On July 9, 2007, the Court held an Initial Appearance and set the matter for further proceedings on July 23, 2007. Additionally on July 9, 2007, the parties stipulated, and the Court that time should be excluded from the Speedy Trial Act calculations from July 9, 2007 to July 23, 2007.

Counsel for the Government is continuing to produce discovery to the Defendant and the parties continue to discuss pre-indictment resolution. Moreover, counsel for the Government will be out of the office teaching at the Department of Justice National Advocacy Center from

1 July 18, 2007 through July 20, 2007, and at a Department meeting in Washington D.C. from July
2 23 through July 25, 2007. The parties represent that granting the continuance is necessary for
3 effective preparation of counsel and continuity of counsel, taking into account the exercise of due
4 diligence. See 18 U.S.C. § 3161(h)(8)(B)(iv).

5 Accordingly, the parties have agreed as follows:

- 6 1. The proceedings scheduled for July 23, 2007 should be removed from calendar and be
7 continued until July 26, 2007.
- 8 2. The Defendant agrees to an exclusion of time under the Speedy Trial Act. Failure to
9 grant the requested continuance would unreasonably deny both Government and Defense
10 counsel reasonable time necessary for effective preparation, taking into account the
11 exercise of due diligence, the need for both sides to investigate the facts of the case, the
12 on-going attempts to reach a pre-indictment disposition, and the need for continuity of
13 counsel. Id. § 3161(h)(8)(A) & (B)(iv).
- 14 3. Given these circumstances, the parties agree and the Court should find that the ends of
15 justice are served by excluding the period from July 9, 2007 to July 26, 2007 from the
16 Speedy Trial Act calculation and outweigh the best interest of the public and the
17 Defendant in a speedy trial. Id. § 3161(h)(8)(A).

18 IT IS SO STIPULATED.

19 DATED: July 17, 2007

20 /s/ Joshua B. Eaton
21 JOSHUA B. EATON
Assistant United States Attorney

22 DATED: July 17, 2007

23 JBE for /s/ Craig H. Bessenger
24 CRAIG H. BESSENGER
Attorney for JEFFREY HARRISON

IT IS SO ORDERED.

With the agreement of the parties, and with the consent of the defendant, the Court enters this order (1) removing this matter from the July 23, 2007 calendar, and scheduling further proceedings in this matter for July 26, 2007; and (2) documenting the exclusion of time from July 9, 2007 to July 26, 2007, under the Speedy Trial Act, 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

DATED: _____

THE HON. JAMES LARSON
United States Magistrate Judge